

Adopted

Rejected

COMMITTEE REPORT

YES: 10

NO: 0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1037, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Delete pages 2 through 7.
- 3 Page 8, delete lines 1 through 30, begin a new paragraph and insert:
- 4 "SECTION 1. IC 25-26-13-16 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) A pharmacist
- 6 shall exercise ~~his~~ **the pharmacist's** professional judgment in the best
- 7 interest of the patient's health when engaging in the practice of
- 8 pharmacy.
- 9 (b) A pharmacist has a duty to honor all prescriptions from a
- 10 practitioner or from a physician, podiatrist, dentist, or veterinarian
- 11 licensed under the laws of another state. Before honoring a prescription,
- 12 the pharmacist shall take reasonable steps to determine whether the
- 13 prescription has been issued in compliance with the laws of the state
- 14 where it originated. The pharmacist is immune from criminal
- 15 prosecution or civil liability if ~~he~~, **the pharmacist**, in good faith,
- 16 refuses to honor a prescription because, in ~~his~~ **the pharmacist's**

1 professional judgment, the honoring of the prescription would:
 2 (1) be contrary to law;
 3 (2) be against the best interest of the patient;
 4 (3) aid or abet an addiction or habit; ~~or~~
 5 (4) be contrary to the health and safety of the patient; **or**
 6 **(5) endanger the safety of a person employed by the pharmacy**
 7 **or a pharmacist intern or pharmacist extern.**
 8 **If a pharmacist refuses to honor a prescription under subdivision**
 9 **(2) or (4), the pharmacist shall notify the physician who issued the**
 10 **prescription not more than twenty-four (24) hours after the**
 11 **prescription is presented to the pharmacy.**
 12 **(c) A pharmacist:**
 13 **(1) may refuse to honor a prescription; and**
 14 **(2) is immune from criminal prosecution and civil liability for**
 15 **refusing to honor the prescription;**
 16 **if the pharmacist believes in good faith that the person presenting**
 17 **the prescription or the person for whose benefit the prescription is**
 18 **presented is a person who has been convicted of intimidation (as**
 19 **described in IC 35-45-2-1(b)(1)(B)(vi)).".**
 20 Page 8, line 33, delete "may:" and insert "**may, after a hearing:**".
 21 Page 8, delete lines 40 through 42.
 22 Page 9, delete lines 1 through 22.
 23 Page 10, line 31, delete "IC 35-42-5-1 and".
 24 Page 10, line 32, delete "both".
 25 Page 10, line 32, delete "apply" and insert "**applies**".
 26 Renumber all SECTIONS consecutively.
 (Reference is to HB 1037 as introduced.)

and when so amended that said bill do pass.

Representative Ulmer